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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,179	12/07/2004	Hideaki Takeda	1503.72112	5695
24978	7590	11/01/2007		
GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606			EXAMINER HOANG, ANN THI	
			ART UNIT 2836	PAPER NUMBER
			MAIL DATE 11/01/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/517,179

Applicant(s)

TAKEDA, HIDEAKI

Examiner

Ann T. Hoang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 22-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. The claim objection(s) have been withdrawn in view of the amendments to the claims filed 07/19/07.
2. Claim 22 is objected to because there is insufficient antecedent basis for "the other tip" in line 10 of the claim. Appropriate correction is required.
3. Claim 26 is objected to because of the following informalities: It appears that the word "that" in line 3 should be changed to --wherein--, --such that--, or a similar expression. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 22-27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al. (US 2002/0140401) in view of Chen et al. (US 6,958,671).

Regarding claim 22, Watanabe et al. discloses a direct current cutoff switch (104), comprising:

a first fixed contact (1017) which is formed on a first terminal unit (1011) being inside a housing (1010) to be connected to an external circuit;

a second fixed contact (1017) which is formed on a second terminal unit (1011) being inside a housing (1010) to be connected to an external circuit and which is disposed next to the first fixed contact (1017);

first and second movable contacts (1016) disposed in positions facing the first and second fixed contacts (1017), respectively;

a movable plate (1014) with conductivity, a center portion of which is fixed to a supporting member (1018) of the housing (1010), a tip of the movable plate (1014) being movable upward and downward supporting the first and second movable contacts (1016);

a bimetal which is engaged in the movable plate (1014) and moves the tip of the movable plate (1014) upward and downward by reversing a curve direction using a predetermined temperature, and separates the first and second movable contacts (1016) from the first and second fixed contacts (1017); and

a PTC (1015) to be connected between the movable plate (1014), the external circuits connected to the first and second terminal units (1011), and a pair of common sides.

See Figs. 10 and 16 and paragraphs [0039], [0045] and [0047]. Since current cutoff switch (104) is applied to a battery pack, it is understood that it is cutting off direct current. The reference does not disclose that the movable plate (1014) has a tip that is fixed to a supporting member of the housing (1010) or that the switch (104) is configured so that when the first and second movable contacts (1016) are away from the first and second fixed contacts (1017), a distance between the second movable

contact (1016) and the second fixed contact (1017) becomes greater than a distance between the first movable contact (1016) and the first fixed contact (1017).

However, Watanabe et al. discloses an alternative embodiment of the direct current cutoff switch (84) in which a tip of the movable plate (814) is fixed to a supporting member of the housing (810), the other tip being movable upward and downward supporting a movable contact (816). See Fig. 8 and paragraph [0043]. It would have been obvious to one of ordinary skill in the art at the time of the invention to fix a tip, rather than a center portion, of the movable plate to a supporting member of the housing as a matter of design choice, since fixing the movable plate to a supporting member of the housing in either location would effectively secure the movable plate in position while providing flexibility to allow the direct current cutoff switch to open and close.

Furthermore, Chen et al. discloses a current cutoff switch (10) that is configured so that a second movable contact (24) is first separated from a second fixed contact (22) before a first movable contact (20) is separated from a first fixed contact (18). This is due to the asymmetrical shape of movable plate (30), to which first and second movable contacts (20, 24) are attached. See Fig. 2 and 4:7-50. Thus, when first and second movable contacts (20, 24) are away from first and second fixed contacts (18, 22), a distance between the second movable contact (24) and the second fixed contact (22) becomes greater than a distance between the first movable contact (20) and the first fixed contact (18). It would have been obvious to one of ordinary skill in the art at the time of the invention to configure the current cutoff switch of Watanabe et al. to have an asymmetrical movable plate, such as that of Chen et al., to ensure a sequential

connection/separation of the two sets of contacts and a difference in distances between the two sets of contacts during opening of the switch, in order to reduce contact resistance and arcing between contacts.

Regarding claim 24, Watanabe et al. in view of Chen et al. discloses all the limitations of claim 23, as discussed above. The references do not disclose that a contact opening voltage at the time of cutoff of a large direct current by opening the first movable contact is located in the range of 28V to 48V.

However, the range of the contact opening voltage at the time of cutoff would depend on factors such as the value of the PTC or the power supply voltage. It would have been obvious to one of ordinary skill in the art at the time of the invention to design the direct current cutoff switch using a PTC value and power supply voltage to produce the desired contact opening voltage, since it has been held that, where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Regarding claim 25, Watanabe et al. in view of Chen et al. discloses all the limitations of claim 23, as discussed above. The references do not disclose that said PTC has an upper limit voltage in which range no thermal runaway occurs or a voltage/current characteristic where a lower peak is in the range of 80V or more.

However, the range of upper limit voltages in which no thermal runaway occurs or the lower peak of a voltage/current characteristic would depend on factors such as the value of the PTC or the power supply voltage. It would have been obvious to one of ordinary skill in the art at the time of the invention to design the direct current cutoff switch using a PTC value and power supply voltage to produce the desired

voltage/current characteristic and avoid thermal runaway, since it has been held that, where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Regarding claim 26, Watanabe et al. in view of Chen et al. discloses all the limitations of claim 23, as discussed above. The references do not disclose that said PTC has a voltage/current characteristic wherein the position of peak current against voltage in a range where no thermal runaway occurs is located in a range of 2V to 20V.

However, the position of peak current against voltage in a range where no thermal runaway occurs would depend on factors such as the value of the PTC or the power supply voltage. It would have been obvious to one of ordinary skill in the art at the time of the invention to design the direct current cutoff switch using a PTC value and power supply voltage to produce the desired voltage/current characteristic, since it has been held that, where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Regarding claim 27, Watanabe et al. in view of Chen et al. discloses all the limitations of claim 23, as discussed above. Watanabe et al. does not disclose that said external circuit is a circuit with a rating of direct current 42V or a circuit for driving an induction load.

However, Chen et al. discloses that current cutoff switch (10) is applicable to a motor, which would be considered to be an induction load. See 1:18-20. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the

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direct current cutoff switch of Watanabe et al. in view of Chen et al. to a circuit for driving an induction load, as disclosed by Chen et al., in order to provide a means for cutting off direct current to an induction load. In this combination, said external circuit would be a circuit for driving an induction load.

Regarding claim 29, Watanabe et al. discloses that said second terminal unit (1011) having the second fixed contact (1017) is a terminal unit connected to an external circuit, but not that the external circuit is on a load side. See paragraph [0036].

However, Chen et al. discloses that current cutoff switch (10) is applicable to a motor, which would be considered to be an induction load. See 1:18-20. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the direct current cutoff switch of Watanabe et al. in view of Chen et al. to a circuit for driving an induction load, as disclosed by Chen et al., in order to provide a means for cutting off direct current to an induction load. In this combination, said external circuit would be on a load side.

6. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al. (US 2002/0140401) in view of Chen et al. (US 6,958,671), as applied to claim 23 above, and further in view of Limitor AG (DE 3128090).

Regarding claim 28, Watanabe et al. in view of Chen et al. discloses all the limitations of claim 23, as discussed above. The references do not disclose that in said PTC, the Curie temperature is set to a value higher than the operating temperature of the bi-metal.

However, Limitor AG discloses a current cutoff switch in which the Curie temperature of a PTC (16) is set to a value higher than the operating temperature of a

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bi-metal. See abstract. It would have been obvious to one of ordinary skill in the art at the time of the invention to set the Curie temperature of the PTC to a value higher than the operating temperature of the bi-metal, as disclosed by Limitor AG, in the direct current cutoff switch of Watanabe et al. in view of Chen et al. so that the PTC would not limit current normally delivered between the terminal units, but would only limit current to suppress arcing after the bi-metal caused the direct current cutoff switch to open.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 23-29 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a):

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

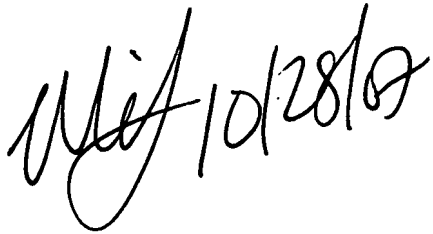
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ann T. Hoang, whose telephone number is 571-272-2724. The examiner can normally be reached Monday-Thursday and every other Friday, 8 a.m. to 6 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry, can be reached at 571-272-2084. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ATH

10/19/07

  
MICHAEL SHERRY  
SUPERVISORY PATENT EXAMINER